

**REMARKS**

By this Amendment claims 1-13 have been canceled and replaced by new claims 14-31 which have been drafted to better define the invention and to overcome the examiner's rejection thereagainst under 35 U.S.C. 112 in the outstanding Office Action. Entry is requested.

The examiner has rejected claims 1, 6 and 7 under 35 U.S.C. 102(b) as being anticipated by Blubaugh et al., he has rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Blubaugh et al. in view of Rouam, and he has stated that claims 2-5 and 8-12 contain allowable subject matter.

The inventors assert that the examiner's rejections cannot be applied to the new claims. In this regard, Blubaugh et al. disclose a fluid cylinder 10 in which a piston 24 with piston rod 20 moves, the piston rod including an axial passage 42 in which a pressure pipe 40 extends (the pressure pipe being connected to a sensor electronics module 48 in an end cap 68 of the cylinder 10). The rod also defines a counterbore 92 containing magnet 40, and the pressure pipe 40 includes a magnetostrictive element or waveguide. The apparatus determines the axial position of the piston in the cylinder and not lateral changes in the path of motion of the piston and rod within the cylinder over time.

Rouam disclose an inductive sensor 10 in a liner 6 in a chamber of a cylinder block 7 to detect changes in the chromium plating on rings 5 around a piston 2 over time, thus providing information regarding the degree of wear of the piston rings.

However, nothing in Rouam would teach modifications of Blubaugh et al. so that changes in the lateral positioning of the path of motion of the piston and piston rod therein would be detected.

The examiner's rejections should be withdrawn.

Favorable reconsideration is requested.

Respectfully submitted,

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